

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MINGGUO CHO,

Plaintiff,

-against-

DONALD J. TRUMP; THE UNITED STATES OF  
AMERICA,

Defendants.

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RACHEL P. KOVNER, United States District Judge:

Plaintiff Mingguo Cho believes he has discovered that the cure for COVID-19 is garlic soup. He filed this lawsuit under 42 U.S.C. § 1983, contending that the President and the federal government are engaged in an unconstitutional conspiracy to suppress his scientific findings. Compl. ¶ 3. He seeks damages and injunctive relief, including (i) an order compelling all persons globally to consume garlic soup; (ii) an order compelling “doctors, health personnel, medical school personnel, and pharmaceutical companies . . . to learn and teach the benefits of garlic soup”; and (iii) an order restructuring the “entire medical system in the United States to enjoin federal, state and local governments from preventing non-licensed persons from publicizing, offering and administering their proven cures to the public.” *Id.* ¶ 22. For the reasons that follow, this lawsuit is dismissed as frivolous.

**DISCUSSION**

A *pro se* complaint must be “liberally construed” and, “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (internal quotations and citations omitted). Nevertheless, a

district court “possesse[s] the power” to dismiss a case *sua sponte* if it determines that the plaintiff’s claims are frivolous. *Fitzgerald v. First East Seventh Street Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000). Claims are frivolous when they lack “an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). This standard authorizes dismissal when a plaintiff’s factual allegations are “fanciful,” “fantastic,” or “delusional.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992) (quoting *Neitzke*, 490 U.S. at 325, 328).

The standard for dismissal is satisfied here. Plaintiff alleges that he has discovered a “life energy system” that has allowed him to cure diseases such as lupus and AIDS. Compl. ¶¶ 4-5. Indeed, he implies that he can cure any illness if the illness is detected early enough. *Id.* ¶ 10. Plaintiff further alleges that he has discovered that garlic soup is a “wonder drug” that “is 100% effective” against COVID-19. *Id.* ¶¶ 18-19. And he asserts that President Trump and federal agencies are “part of a vast conspiracy with drug companies, medical doctors, hospitals, and others” to suppress his discoveries. *Id.* ¶ 11; *see id.* ¶¶ 12, 15-16. This claim of a massive government conspiracy to suppress miraculous medical discoveries is appropriately labeled fanciful, fantastic, and delusional. *See Fitzgerald*, 221 F.3d at 363-64; *Denton*, 504 U.S. at 33. While I have considered affording plaintiff a chance to amend the complaint, I have concluded that any such attempt would be futile because the problem with plaintiff’s complaint is a “substantive” one that cannot be cured with “better pleading.” *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000); *see Ashmore v. Prus*, 510 F. App’x 47, 49 (2d Cir. 2013) (leave to amend is futile where barriers to relief cannot be surmounted by reframing the complaint). Accordingly, this action is dismissed.

### CONCLUSION

This action is dismissed as frivolous. I certify under 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore deny *in forma pauperis* status for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court shall enter judgment closing the action. The Clerk of Court shall also mail a copy of this Order and the Judgment to plaintiff and note the mailing on the docket.

SO ORDERED.

/s/ Rachel Kovner  
RACHEL P. KOVNER  
United States District Judge

Dated: Brooklyn, New York  
August 11, 2020